

REMARKS

The office action of April 7, 2010 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claim 13 remains in this case, claims 10-12 and 14-18 being cancelled by this response.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

Rejections under 35 U.S.C. §112

3 and 4. Claims 10-13 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description and enablement requirements. More specifically, the Examiner rejected the “consisting of” language in these claims.

Although Applicant respectfully disagrees, claim 13 has been amended to overcome this rejection and claims 10-12 have been cancelled to further prosecution. No new matter has been added. Reconsideration and withdrawal of these rejections are respectfully requested.

Rejection under 35 U.S.C. §103

6. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rasor et al. (3,943,936) in view of Heller (6,294,281). While Applicants respectfully disagree, claim 10 has been cancelled to further prosecution of the application. Reconsideration and withdrawal of the rejection are respectfully requested.

7. Claims 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rasor et al. in view of Heller and Fujii et al. (5,411,535). Although Applicant respectfully disagrees, claims 11 and 12 have been cancelled to further prosecution of the application.

In embodiments of the present invention, a plurality of ultra miniature pacemakers can be used at the same time. The present invention, as claimed in claim 13, provides a means to regulate a plurality of pacemakers not to function independently. The pacemakers interact with each other so that the information can be exchanged. Due to this interaction, the pacemaker claimed in claim 13 is able to provide patients with the best stimulation timing by detecting some specific conditions set by information exchange between pacemakers.

Amended claim 13 includes, in part, “wherein the information sent from outside includes information sent from other pacemakers when a plurality of pacemakers are implanted into a heart; and wherein the control unit outputs the control signal based on information from the other pacemakers”.

Claim 13 claims an “integrated” cardiac pacemaker. This means that each ultra miniature pacemaker is meant to be linked to at least one other ultra miniature pacemaker. In contrast, Rasor et al. describe a “self contained unit” (col. 4, line 8) or one that is “fully self-contained” (col. 2, line 68 to col. 3, line 1). The pacemaker of Rasor et al. does not receive information sent from outside that includes information sent from other pacemakers, nor does the pacemaker of Rasor et al. include a control unit that outputs a control signal based on information from other pacemakers.

Heller does not teach or suggest what Rasor et al. lacks. More specifically, Heller does not teach or suggest information sent from outside that includes information sent from other pacemakers when a plurality of pacemakers is implanted into a heart. In addition, Heller does not teach or suggest a control unit of a pacemaker that outputs a control signal based on information from other pacemakers.

Fujii does not supply what Rasor et al. and Heller lack. More specifically, Fujii does not teach or suggest information sent from outside that includes information sent from other pacemakers when a plurality of pacemakers are implanted into a heart. In

addition, Heller does not teach or suggest a control unit of a pacemaker that outputs a control signal based on information from other pacemakers.

Rasor et al., Heller, and Fujii, alone or in combination, do not teach or suggest claim 13. Therefore, claim 13 is not obvious over these references. Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

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